



AGENDA ITEM NO. \_\_\_\_\_

## STAFF REPORT

MAPC: June 22, 2023

DAB IV: July 10, 2023

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CASE NUMBER: CON2023-00013

APPLICANT/AGENT: Tony Abdayem (Applicant), Le Citron, LLC (Agent)

REQUEST: Tavern/Drinking Establishment and Nightclub in the City

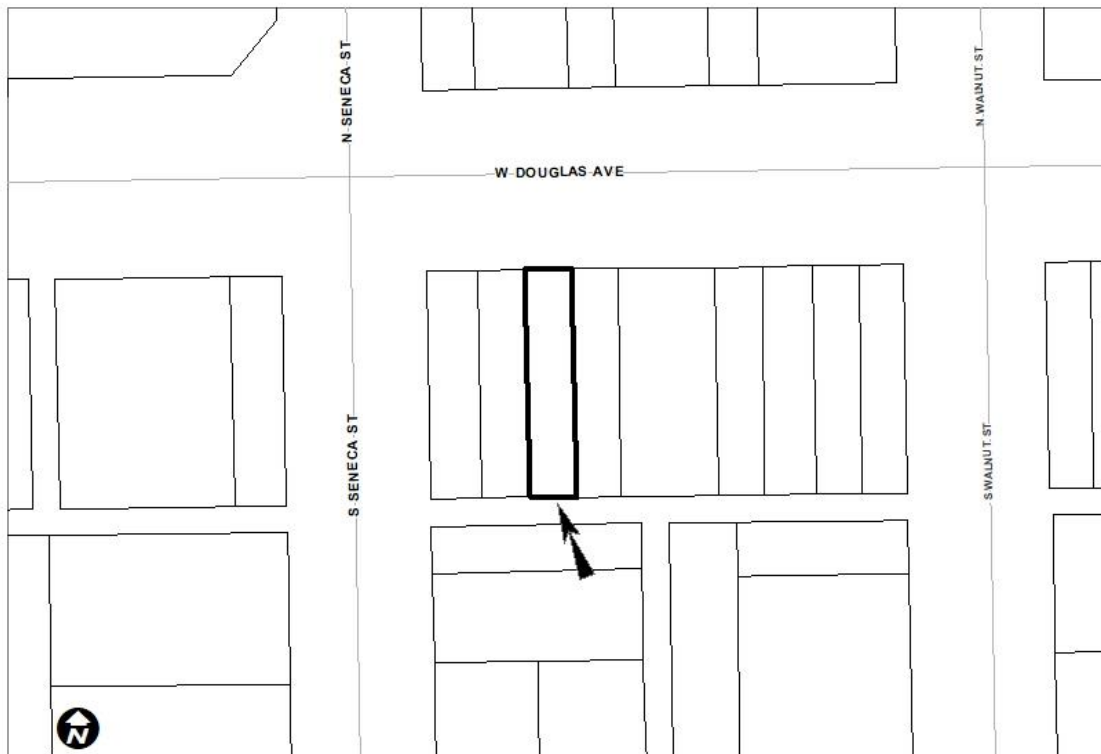
CURRENT ZONING: LC Limited Commercial District

SITE SIZE: 0.073 acres

LOCATION: Generally located on the south side of West Douglas Avenue, within one block east of South Seneca Street (1019 West Douglas Avenue).

PROPOSED USE: Permit an drinking establishment where alcohol and entertainment are provided.

RECOMMENDATION: Approval with Conditions



**BACKGROUND:** The applicant is requesting a Conditional Use for a Nightclub in the City as an accessory use to a proposed Tavern/Drinking Establishment. The subject site is zoned LC Limited Commercial District and is located on the south side of West Douglas Avenue, within 100 feet east of South Seneca Street (1019 West Douglas Avenue). The applicant intends to use the front portion of the building as a bar and the rear portion of the building for Indoor Recreation and Entertainment. The applicant explains, that on occasion, they may provide entertainment as defined by Chapter 3 of the Wichita Municipal Code, which includes live music, DJs, and the like.

The applicant is requesting the Conditional Use in order to permit a Tavern/Drinking Establishment, which may also provide entertainment in the same space. Supplementary Use Regulations in Section III-D.6.w of the Unified Zoning Code require a Conditional Use for “Tavern/Drinking Establishment” and/or “Nightclub in the City” when it is within 300 feet of a public park. The need for the Conditional Use at this location is due to the requested land use and the proximity of Seneca Park located within 300 feet to the south.

Indoor Recreation and Entertainment is defined as “a privately-owned establishment offering recreation, entertainment or games of skill to the general public or members that is wholly enclosed in a Building. Typical uses include bowling alleys, indoor theaters, bingo parlors, pool halls, billiard parlors, video game arcades, racquetball and handball courts and amusement rides. It does not include Buildings typically accessory to a subdivision that are for use by the subdivision's residents and their guests or Rodeo in the City.” The applicant would like to provide entertainment in the form of oversized block-stacking games, bean-bag tossing games (“corn hole”) and other similar type games of skill.

The total off-street parking required for this proposed use is 31 spaces. The applicant owns the adjacent parking lot southeast of the subject site, across the platted alley. The applicant also owns other businesses along this block of West Douglas Avenue that also utilize this parking lot to meet their off-street parking requirements. The total number of required parking spaces for this new proposed use in addition to the other uses owned by the applicant is 72 spaces, which exceeds the 64 spaces in the parking lot by 11 percent. This use can be approved without a parking reduction, but the capacity of the use would be limited. Staff recommends an Administrative Adjustment be filed to reduce the off-street parking requirement for all uses under the same ownership. Off-street parking requirements can be reduced by up to 25 percent by Administrative Adjustment. An alternative to an Administrative Adjustment would be to request the zoning be changed to CBD Central Business District, which would eliminate the off-street parking for the subject site.

The character of the neighborhood is a commercial business district with storefronts and on-street parking along West Douglas Avenue and parking lots located behind the storefronts. Properties to the north are zoned LI Limited Industrial District and developed with fast-food restaurants and parking. Property to the east is zoned LC Limited Commercial District and is developed with a restaurant under the same ownership as the subject site. Properties to the south are zoned GC General Commercial District. One property, fronting South Seneca Street, is the historic Engine House No. 4. The properties south of the subject site also consist of a parking lot owned by the applicant. Property to the west is zoned CBD Central Business District, is the historic Riley Holden Block, and is current vacant. All of these properties are within the Delano Overlay District. Any modifications of the exterior of the building must be review and approved by the Delano Design Review Committee prior to the issuance of building permits.

**CASE HISTORY:** In 1872, the property was platted as part of the West Wichita Addition. In 2001, the site was rezoned from LI Limited Industrial District to LC Limited Commercial District in conjunction with the adoption of the Delano Neighborhood Revitalization Plan.

**ADJACENT ZONING AND LAND USE:**

NORTH:	LI	Fast Food Restaurants
SOUTH:	GC	Historic Engine House, Parking Lot
EAST:	LC	Restaurant
WEST:	CBD	Historic Riley Holden Block, Vacant

**PUBLIC SERVICES:** The property has access to West Douglas Avenue, which is a paved, two-lane arterial street with on-street parking and sidewalks on both sides of the street. Wichita Transit provides regular bus service in this area with bus stops on West Douglas Avenue in the near vicinity. The building is already served by municipal water and sanitary sewer services.

**CONFORMANCE TO PLANS/POLICIES:**

Community Investments Plan: The request is in conformance with the *Community Investments Plan*. The *Community Investment Plan* (the Wichita-Sedgwick County Comprehensive Plan) recommends the subject site as appropriate for “New Employment” land uses, which supports new commercial development in the area. The proposed use is contextually appropriate for the Delano Business District, which supports a variety of commercial intensities with retail, restaurants, and venues.

Wichita: Places for People Plan: The request is in conformance with the *Wichita: Places for People Plan*. The requested Conditional Use aligns with Strategy #6 which states: “Encourage infill and redevelopment that is contextual to the environment in which it is occurring.”

The subject site is located near the intersection of West Douglas Avenue and Seneca Street, which the *Wichita: Places for People Plan* identifies as a Community Core Node. According to the *Plan*, a nodal development pattern promotes higher intensity uses in the node and reduced development intensities farther away from the node. The subject site is along the commercial business district in Delano, and the proposed use is contextual to the environment.

Delano Neighborhood Plan, 2019 Update: The requested Conditional Use is in conformance with the *Delano Neighborhood Plan*. The future land use map identifies the site to appropriate for mixed-use development.

**RECOMMENDATION:** Based upon information available prior to the public hearings, planning staff recommends that the request be **APPROVED**, subject to the following conditions:

1. Nightclub in the City shall adhere to Supplementary Use Regulations in Section III-D.6.w of the Unified Zoning Code.
2. Nightclub in the City shall be allowed only as accessory to a drinking establishment.
3. The applicant shall either reduce the off-street parking requirement or rezone the subject site to eliminate the off-street parking requirement prior to the issuance of occupancy permits.
4. The site shall be developed in general conformance with the approved site plan and in compliance with all city ordinances, including but not limited to: zoning, sign code, building, fire, health codes or licensing requirements.
6. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The character of the neighborhood is a commercial business district with storefronts and on-street parking along West Douglas Avenue and parking lots located behind the storefronts. Properties to the north are zoned LI Limited Industrial District and developed with fast-food restaurants and parking. Property to the east is zoned LC Limited Commercial District and is developed with a restaurant under the same ownership as the subject site. Properties to the south are zoned GC General Commercial District. One property, fronting South Seneca Street, is the historic Engine House No. 4. The properties south of the subject site also consist of a parking lot owned by the applicant. Property to the west is zoned CBD Central Business District, is the historic Riley Holden Block, and is current vacant. All of these properties are within the Delano Overlay District. Any modifications of the exterior of the building must be review and approved by the Delano Design Review Committee prior to the issuance of building permits.
2. The suitability of the subject property for the uses to which it has been restricted: The site is currently zoned LC Limited Commercial and is suitable for a wide range of commercial uses typically found along a commercial business district.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Staff does not anticipate the removal of restrictions will detrimentally affect nearby property.
4. Length of time subject property has remained vacant as zoned: It is unknown how long the subject building has been vacant.
5. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval of the application is not anticipated to have a detrimental impact on the public health, safety, or welfare of the community. The proposed Conditional Use will allow the applicant to expand the opportunity for commercial development that is contextually appropriate for the Delano Business District. Denial of the application may result in a loss of economic opportunity for the applicant.
6. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The request is in conformance with the *Community Investments Plan*, the *Places for People Plan*, and the *Delano Neighborhood Plan* as discussed in the staff report.
7. Impact of the proposed development on community facilities: It is not anticipated that the Conditional Use will have significant negative impacts on community facilities.
8. Opposition or support of neighborhood residents: At the time the staff report was prepared, staff did not receive any comments that supported or opposed the proposed Conditional Use.

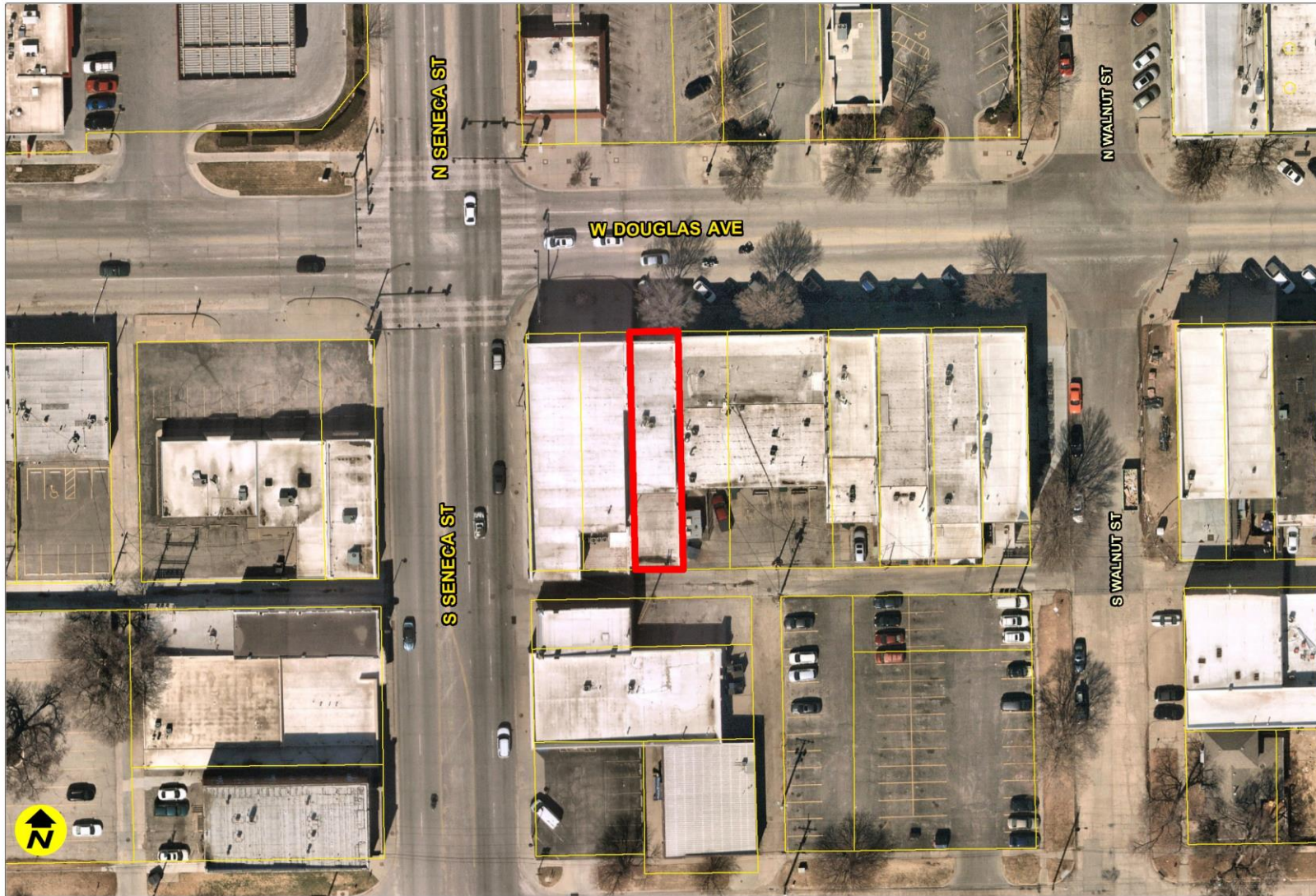
Attachments:

1. Site Plan
2. Aerial Map
3. Zoning Map
4. Land Use Map
5. Site Pictures

## Site Plan















# 2035 Wichita Future Growth Concept Map

## Legend

-  Established Central Area
-  Residential and Employment Mix
-  New Employment
-  New Residential
-  Wichita City Limits
-  Other Cities
-  Northwest Bypass Right-of-Way

## Statistical Development Areas

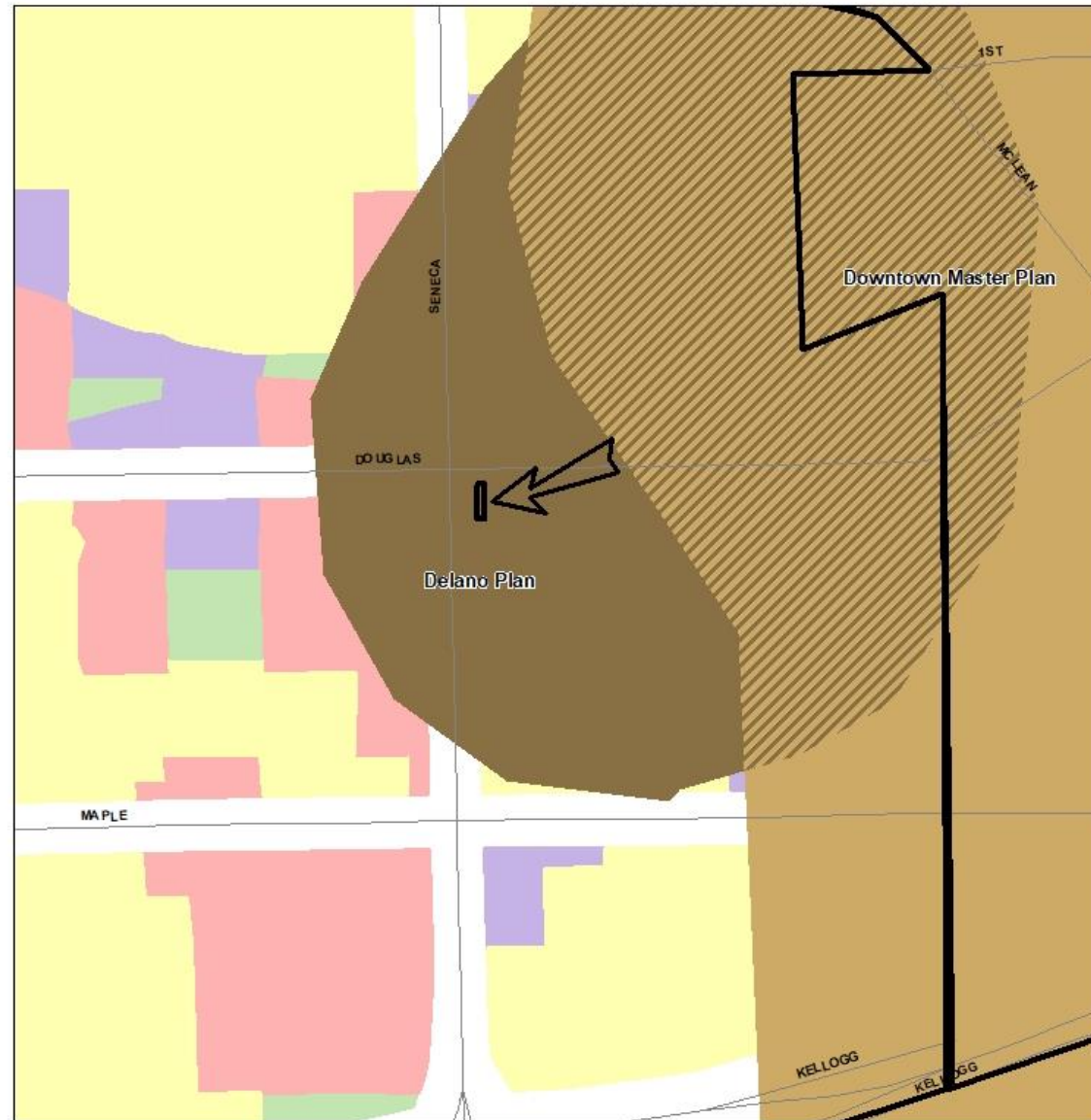
-  Other Urban Growth Areas 2014
-  Other Urban Growth Areas 2014
-  Rural Growth Areas 2014

## LAND USE

-  Residential
-  Commercial
-  Industrial
-  Major Air Transportation & Military
-  Parks and Open Space
-  Agricultural or Vacant
-  Major Institutional
-  Nghbd\_Plan\_Areas



Wichita Future Growth Concept Map  
2035  
The map was prepared by the Metropolitan Area Planning Commission  
in cooperation with the City of Wichita and the County of Sedgewick.  
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**Looking south at site**



**Looking southwest away from site**



**Looking southeast away from site**



**Looking north away from site**



**Looking southeast away from rear of site**



**Looking southwest away from rear of site**

